



GENERAL ASSEMBLY

COMMONWEALTH OF KENTUCKY

2006 REGULAR SESSION

HOUSE BILL NO. 646

MONDAY, MARCH 13, 2006

The following bill was reported to the Senate from the House and ordered to be printed.

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TREY GRAYSON
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY R. Adler

AN ACT relating to the Governor's Wellness and Physical Activity Initiative.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 12 IS CREATED TO
READ AS FOLLOWS:

(1) The Governor's Council on Wellness and Physical Activity is hereby established and authorized to operate the Governor's Wellness and Physical Activity Program, Inc. for the purpose of establishing and implementing a health, wellness, and fitness program for Kentucky and to promote a healthy lifestyle for all citizens of the Commonwealth. The Governor's Council on Wellness and Physical Activity shall be attached to the Office of the Governor for administrative purposes.

(a) The ex officio members of the Governor's Council on Wellness and Physical Activity shall be as follows:

1. The Governor or the Governor's designee from the executive cabinet;
2. The Secretary of the Cabinet for Health and Family Services or designee;
3. The Secretary of the Personnel Cabinet or designee;
4. The Secretary of the Education Cabinet;
5. The Senate co-chair of the Interim Joint Committee on Health and Welfare of the General Assembly; and
6. The House co-chair of the Interim Joint Committee on Health and Welfare of the General Assembly.

(b) In addition to the ex officio members, the Governor shall appoint five (5) council members to serve three (3) year terms on the Governor's Council on Wellness and Physical Activity. Members appointed by the Governor may be reappointed by the Governor to serve successive terms. In making appointments, the Governor shall attempt to include individuals from

1 different geographic regions of the Commonwealth of Kentucky. The
2 Governor shall make appointments to fill vacancies as they occur. Each
3 appointment after the initial appointment shall be for a three (3) year term
4 unless the appointment is to fill the unexpired portion of a term.

5 (c) The Governor or if so designated by the Governor, the chairman of the
6 council, shall have the authority to hire, fire, and manage all personnel of
7 the Governor's Wellness and Physical Activity Program, Inc., including the
8 executive director.

9 (d) The council shall administer funds appropriated or gifts, donations, or
10 funds received from any source. The council may expend funds in its
11 discretion to carry out the intent of Sections 1, 2, 3, 4, and 5 of this Act.

12 (e) The council shall closely coordinate with the Governor's Office of Wellness
13 and Physical Activity to establish policies and procedures.

14 (f) The council shall select from its membership a chairman and any other
15 officers it considers essential. The council may have committees and
16 subcommittees as determined by the council.

17 (g) The council shall develop funding and support plans that provide for the
18 maintenance of the Governor's Office of Wellness and Physical Activity,
19 and shall make recommendations to the Governor and Secretary of the
20 Cabinet for Health and Family Services.

21 (h) The council shall meet quarterly or more often as necessary for the conduct
22 of its business. A majority of the members shall constitute a quorum for the
23 transaction of business. Members' designees shall have voting privileges at
24 committee meetings.

25 (i) Members of the council shall serve without compensation but shall be
26 reimbursed for their necessary travel expenses actually incurred in the
27 discharge of their duties on the council, subject to Finance and

Administration Cabinet administrative regulations.

(j) The council may establish working groups as necessary.

(k) The council shall establish the Governor's Wellness and Physical Activity Program, Inc. pursuant to the requirements in Sections 1, 2, 3, 4, and 5 of this Act.

(2) Funds appropriated for purposes of the program shall only be used to facilitate the goals of the Governor's Office of Wellness and Physical Activity and shall not lapse at the end of the fiscal year.

(3) (a) The Governor's Wellness and Physical Activity Program, Inc. shall follow standard accounting practices and shall submit the following financial reports to the Office of the Governor, the Finance and Administration Cabinet, and the Legislative Research Commission:

1. Quarterly reports of expenditures of state funds, submitted on or before the thirtieth day after the end of each quarter in the corporation's fiscal year;

2. Annual reports of receipts and expenditures for the Governor's Wellness and Physical Activity Program, Inc., submitted on or before the sixtieth day after the end of the fiscal year of the corporation; and

3. The report of an annual financial audit conducted by an independent auditor, submitted on or before September 1 of each year.

(b) The Governor's Wellness and Physical Activity Program, Inc. and the Governor's Office of Wellness and Physical Activity shall file quarterly reports with the Office of the Governor and the Legislative Research Commission. The report shall include a detail of the operations of the program for the preceding year. The report shall include information concerning the participant demographics, number of incentives distributed, and program outcomes according to such measures of success as the board

1 may adopt.

2 Section 2. KRS 12.020 is amended to read as follows:

3 Departments, program cabinets and their departments, and the respective major
 4 administrative bodies that they include are enumerated in this section. It is not intended
 5 that this enumeration of administrative bodies be all-inclusive. Every authority, board,
 6 bureau, interstate compact, commission, committee, conference, council, office, or any
 7 other form of organization shall be included in or attached to the department or program
 8 cabinet in which they are included or to which they are attached by statute or statutorily
 9 authorized executive order; except in the case of the Personnel Board and where the
 10 attached department or administrative body is headed by a constitutionally elected officer,
 11 the attachment shall be solely for the purpose of dissemination of information and
 12 coordination of activities and shall not include any authority over the functions,
 13 personnel, funds, equipment, facilities, or records of the department or administrative
 14 body.

15 I. Cabinet for General Government - Departments headed by elected officers:

- 16 1. The Governor.
- 17 2. Lieutenant Governor.
- 18 3. Department of State.
 - 19 (a) Secretary of State.
 - 20 (b) Board of Elections.
 - 21 (c) Registry of Election Finance.
- 22 4. Department of Law.
 - 23 (a) Attorney General.
- 24 5. Department of the Treasury.
 - 25 (a) Treasurer.
- 26 6. Department of Agriculture.
 - 27 (a) Commissioner of Agriculture.

1 (b) Kentucky Council on Agriculture.

2 7. Auditor of Public Accounts.

3 II. Program cabinets headed by appointed officers:

4 1. Justice Cabinet:

5 (a) Department of State Police.

6 (b) Department of Criminal Justice Training.

7 (c) Department of Corrections.

8 (d) Department of Juvenile Justice.

9 (e) Office of the Secretary.

10 (f) Offices of the Deputy Secretaries.

11 (g) Office of General Counsel.

12 (h) Division of Kentucky State Medical Examiners Office.

13 (i) Parole Board.

14 (j) Kentucky State Corrections Commission.

15 (k) Commission on Correction and Community Service.

16 2. Education, Arts, and Humanities Cabinet:

17 (a) Department of Education.

18 (1) Kentucky Board of Education.

19 (b) Department for Libraries and Archives.

20 (c) Kentucky Educational Television.

21 (d) Kentucky Commission on the Deaf and Hard of Hearing.

22 (e) Operations and Development Office.

23 (f) Board of Directors for the Center for School Safety.

24 3. Environmental and Public Protection Cabinet:

25 (a) Office of the Secretary.

26 1. Office of Legislative and Intergovernmental Affairs.

27 2. Office of Communications and Public Outreach.

- 1 3. Office of Regulatory Affairs.
- 2 4. Office of Legal Services.
- 3 5. Office of Administrative and Information Services.
- 4 6. Office of Administrative Hearings.
- 5 7. Office of Inspector General.
- 6 8. Mine Safety Review Commission.
- 7 9. Workers' Compensation Board.
- 8 10. Kentucky State Nature Preserves Commission.
- 9 11. Kentucky Environmental Quality Commission.
- 10 12. Kentucky Occupational Safety and Health Review Commission.
- 11 (b) Department for Environmental Protection.
- 12 1. Office of the Commissioner.
- 13 2. Division of Air Quality.
- 14 3. Division of Water.
- 15 4. Division of Environmental Services.
- 16 5. Division of Waste Management.
- 17 6. Division of Enforcement.
- 18 7. Division of Compliance Assistance.
- 19 (c) Department for Natural Resources.
- 20 1. Office of the Commissioner.
- 21 2. Office of Technical and Administrative Support.
- 22 3. Division of Mine Permits.
- 23 4. Division of Mine Reclamation and Enforcement.
- 24 5. Division of Abandoned Mine Lands.
- 25 6. Division of Oil and Gas Conservation.
- 26 7. Office of Mine Safety and Licensing.
- 27 8. Division of Forestry.

- 1 9. Division of Conservation.
- 2 (d) Department of Public Protection.
- 3 1. Office of the Commissioner.
- 4 2. Division of Administrative Services.
- 5 3. Crime Victims Compensation Board.
- 6 4. Board of Claims.
- 7 5. Board of Tax Appeals.
- 8 6. Kentucky Boxing and Wrestling Authority.
- 9 7. Kentucky Horse Racing Authority.
- 10 8. Kentucky Public Service Commission.
- 11 9. Office of Alcoholic Beverage Control.
- 12 10. Office of Charitable Gaming.
- 13 11. Office of Financial Institutions.
- 14 12. Office of Housing, Buildings and Construction.
- 15 13. Office of Insurance.
- 16 (e) Department of Labor.
- 17 1. Office of the Commissioner.
- 18 2. Office of Occupational Safety and Health.
- 19 3. Office of Labor Management Relations and Mediation.
- 20 4. Office of Workplace Standards.
- 21 5. Office of Workers' Claims.
- 22 6. Workers' Compensation Funding Commission.
- 23 7. Kentucky Labor Management Advisory Council.
- 24 8. Occupational Safety and Health Standards Board.
- 25 9. Prevailing Wage Review Board.
- 26 10. Kentucky Employees Insurance Association.
- 27 11. Apprenticeship and Training Council.

12. State Labor Relations Board.
 13. Workers' Compensation Advisory Council.
 14. Workers' Compensation Nominating Commission.
 15. Employers' Mutual Insurance Authority.
 16. Division of Administrative Services.
4. Transportation Cabinet:
- (a) Department of Highways.
 1. Office of Program Planning and Management.
 2. Office of Project Development.
 3. Office of Construction and Operations.
 4. Office of Intermodal Programs.
 5. Highway District Offices One through Twelve.
 - (b) Department of Vehicle Regulation.
 - (c) Department of Administrative Services.
 - (d) Department of Aviation.
 - (e) Department of Intergovernmental Programs.
 1. Office of Transportation Enhancement Programs.
 2. Office of Rural and Secondary Roads.
 - (f) Office of the Secretary.
 1. Office of Legislative and Intergovernmental Affairs.
 2. Office of Public Affairs.
 3. Office of Transportation Delivery.
 4. Office for Business and Occupational Development.
 5. Office of Budget and Fiscal Management.
 6. Office of Legal Services.
 7. Office of Inspector General.
 8. Office of the Transportation Operations Center.

- 1 9. Office of Personnel Management.
- 2 5. Cabinet for Economic Development:
- 3 (a) Office of Administration and Support.
- 4 (b) Department for New Business Development.
- 5 (c) Department of Financial Incentives.
- 6 (d) Department for Existing Business Development.
- 7 (e) Department for Regional Development.
- 8 (f) Tobacco Research Board.
- 9 (g) Kentucky Economic Development Finance Authority.
- 10 (h) Office of Research and Information Technology.
- 11 (i) Department of Innovation and Commercialization for a Knowledge
- 12 Based Economy.
- 13 (j) Office of Legal Services.
- 14 (k) Commission on Small Business Advocacy.
- 15 6. Cabinet for Health and Family Services:
- 16 (a) Department for Public Health.
- 17 (b) Department for Medicaid Services.
- 18 (c) Department for Mental Health and Mental Retardation Services.
- 19 (d) Kentucky Commission for Children with Special Health Care Needs.
- 20 (e) Office of Certificate of Need.
- 21 (f) Office of the Secretary.
- 22 (g) Office of Legal Services.
- 23 (h) Office of Inspector General.
- 24 (i) Office of Legislative and Public Affairs.
- 25 (j) Department for Community Based Services.
- 26 (k) Department for Disability Determination Services.
- 27 (l) Office of the Ombudsman.

- 1 (m) Department for Human Support Services.
- 2 (n) Kentucky Commission on Community Volunteerism and Service.
- 3 (o) Office of Fiscal Services.
- 4 (p) Office of Human Resource Management.
- 5 (q) Office of Technology.
- 6 (r) Office of Contract Oversight.
- 7 **(s) Governor's Office of Wellness and Physical Activity.**
- 8 7. Finance and Administration Cabinet:
- 9 (a) Office of General Counsel.
- 10 (b) Office of the Controller.
- 11 (c) Office of Administrative Services.
- 12 (d) Office of Public Information.
- 13 (e) Department for Facilities and Support Services.
- 14 (f) Department of Revenue.
- 15 (g) Commonwealth Office of Technology.
- 16 (h) State Property and Buildings Commission.
- 17 (i) Kentucky Savings Bond Authority.
- 18 (j) Office of Equal Employment Opportunity and Contract Compliance.
- 19 (k) County Officials Compensation Board.
- 20 (l) Kentucky Employees Retirement Systems.
- 21 (m) Commonwealth Credit Union.
- 22 (n) State Investment Commission.
- 23 (o) Kentucky Housing Corporation.
- 24 (p) Kentucky Local Correctional Facilities Construction Authority.
- 25 (q) Kentucky Turnpike Authority.
- 26 (r) Historic Properties Advisory Commission.
- 27 (s) Kentucky Tobacco Settlement Trust Corporation.

- 1 (t) Eastern Kentucky Exposition Center Corporation.
- 2 (u) State Board for Proprietary Education.
- 3 (v) Kentucky Higher Education Assistance Authority.
- 4 (w) Kentucky River Authority.
- 5 (x) Kentucky Teachers' Retirement System Board of Trustees.
- 6 8. Commerce Cabinet:
- 7 (a) Department of Tourism.
- 8 (1) Division of Tourism Services.
- 9 (2) Division of Marketing and Advertising.
- 10 (3) Division of Parks Marketing.
- 11 (b) Kentucky Department of Parks.
- 12 (1) Division of Information Technology.
- 13 (2) Division of Personnel and Payroll.
- 14 (3) Division of Financial Operations.
- 15 (4) Division of Facilities Management.
- 16 (5) Division of Project Administration.
- 17 (6) Division of Customer Services.
- 18 (7) Division of Recreation.
- 19 (8) Division of Golf Courses.
- 20 (9) Division of Food Services.
- 21 (10) Division of Rangers.
- 22 (11) Division of Eastern Parks.
- 23 (12) Division of Southern Parks.
- 24 (13) Division of Western Parks.
- 25 (c) Department of Fish and Wildlife Resources.
- 26 (1) Division of Law Enforcement.
- 27 (2) Division of Administrative Services.

- 1 (3) Division of Engineering.
- 2 (4) Division of Fisheries.
- 3 (5) Division of Information and Education.
- 4 (6) Division of Wildlife.
- 5 (7) Division of Public Affairs.
- 6 (d) Kentucky Horse Park.
 - 7 (1) Division of Support Services.
 - 8 (2) Division of Buildings and Grounds.
 - 9 (3) Division of Operational Services.
- 10 (e) Kentucky State Fair Board.
 - 11 (1) Division of Expositions and Admission.
 - 12 (2) Division of Kentucky Fair and Exposition Center Operations.
 - 13 (3) Division of Commonwealth Convention Center.
 - 14 (4) Division of Public Relations and Media.
 - 15 (5) Division of Administrative Services.
 - 16 (6) Division of Personnel Management and Staff Development.
 - 17 (7) Division of Sales.
 - 18 (8) Division of Security and Traffic Control.
- 19 (f) Office of the Secretary.
- 20 (g) Office of Finance and Administration.
- 21 (h) Office of Legal Affairs.
- 22 (i) Office of Intergovernmental Affairs.
- 23 (j) Office of Human Resources.
- 24 (k) Office of Public Affairs and Constituent Services.
- 25 (l) Office of Information Technology.
- 26 (m) Office of Purchase and Procurement.
- 27 (n) Office of Creative Services.

- 1 (o) Office of Capital Plaza Operations.
- 2 (p) Office of Energy Policy.
- 3 (q) Coal Marketing and Export.
- 4 (r) Kentucky Coal Council.
- 5 (s) Kentucky Foundation for the Arts.
- 6 (t) Kentucky Humanities Council.
- 7 (u) Kentucky Heritage Council.
- 8 (v) Kentucky Arts Council.
- 9 (w) Kentucky Historical Society.
- 10 (1) Division of Museums.
- 11 (2) Division of Oral History and Educational Outreach.
- 12 (3) Division of Research and Publications.
- 13 (4) Division of Administration.
- 14 (x) Kentucky Center for the Arts.
- 15 (1) Division of Governor's School for the Arts.
- 16 (y) Kentucky Artisans Center at Berea.
- 17 9. Cabinet for Workforce Development:
- 18 (a) Department for Adult Education and Literacy.
- 19 (b) Department for Technical Education.
- 20 (c) Department of Vocational Rehabilitation.
- 21 (d) Department for the Blind.
- 22 (e) Department for Employment Services.
- 23 (f) Kentucky Technical Education Personnel Board.
- 24 (g) The Foundation for Adult Education.
- 25 (h) Department for Training and Reemployment.
- 26 (i) Office of General Counsel.
- 27 (j) Office of Communication Services.

- 1 (k) Office of Workforce Partnerships.
- 2 (l) Office of Workforce Analysis and Research.
- 3 (m) Office of Budget and Administrative Services.
- 4 (n) Office of Technology Services.
- 5 (o) Office of Quality and Human Resources.
- 6 (p) Unemployment Insurance Commission.
- 7 10. Personnel Cabinet:
- 8 (a) Office of the Secretary.
- 9 (b) Department for Personnel Administration.
- 10 (c) Office for Employee Relations.
- 11 (d) Kentucky Public Employees Deferred Compensation Authority.
- 12 (e) Office of Administrative Services.
- 13 (f) Office of Legal Services.
- 14 (g) Office of Government Training.
- 15 (h) Department for Employee Insurance.
- 16 III. Other departments headed by appointed officers:
- 17 1. Department of Military Affairs.
- 18 2. Council on Postsecondary Education.
- 19 3. Department for Local Government.
- 20 4. Kentucky Commission on Human Rights.
- 21 5. Kentucky Commission on Women.
- 22 6. Department of Veterans' Affairs.
- 23 7. Kentucky Commission on Military Affairs.
- 24 8. Education Professional Standards Board.
- 25 9. Office of Minority Empowerment.
- 26 10. Governor's Council on Wellness and Physical Activity.
- 27 Section 3. KRS 12.023 is amended to read as follows:

1 The following organizational units and administrative bodies shall be attached to the
2 Office of the Governor:

- 3 (1) Council on Postsecondary Education;
- 4 (2) Department of Military Affairs;
- 5 (3) Department for Local Government;
- 6 (4) Kentucky Commission on Human Rights;
- 7 (5) Kentucky Commission on Women;
- 8 (6) Kentucky Commission on Military Affairs;
- 9 (7) Governor's Scholars Program;
- 10 (8) Agricultural Development Board;
- 11 (9) Office of Early Childhood Development;
- 12 (10) Kentucky Agency for Substance Abuse Policy;
- 13 (11) Education Professional Standards Board;
- 14 (12) Kentucky Agricultural Finance Corporation;~~[-and]~~
- 15 (13) Office of Minority Empowerment; and
- 16 (14) Governor's Council on Wellness and Physical Activity.

17 SECTION 4. A NEW SECTION OF KRS CHAPTER 194A IS CREATED TO
18 READ AS FOLLOWS:

- 19 (1) The Governor's Office of Wellness and Physical Activity is hereby established to
20 implement a health, wellness, and fitness program for Kentucky and to promote a
21 healthy lifestyle for all citizens of the Commonwealth. The office shall be headed
22 by an executive director, who shall be appointed by the Governor in accordance
23 with KRS 11.040 and shall serve at the pleasure of and under the direction of the
24 Governor.
- 25 (2) The office's duties, rights, and responsibilities shall include, but not be limited to,
26 the following:
27 (a) Create a strategic plan to design Kentucky's wellness efforts;

- 1 **(b) Implement and operate the Governor's Challenge Program;**
- 2 **(c) Provide assistance to the Governor's Council on Wellness and Physical**
- 3 **Activity in accomplishing its mission and charge;**
- 4 **(d) Identify and assess the most common challenges, existing resources, and**
- 5 **services within the state and make recommendations to the Governor, state**
- 6 **Legislature, or other governing bodies regarding the demand and**
- 7 **effectiveness of present services and improvements that should be**
- 8 **addressed;**
- 9 **(e) Develop, implement, and coordinate all physical activity and wellness**
- 10 **related programs for residents of the Commonwealth;**
- 11 **(f) Develop a comprehensive statewide strategy that coordinates state and local**
- 12 **efforts to promote wellness and physical activity;**
- 13 **(g) Coordinate the efforts of the Governor's Council of Wellness and Physical**
- 14 **Activity with the efforts of the Education Cabinet, Cabinet for Health and**
- 15 **Family Services, and the Personnel Cabinet;**
- 16 **(h) Design information campaigns to raise public awareness and promote**
- 17 **citizen engagement regarding the critical nature of wellness in the state and**
- 18 **to increase the will to make quality resources and services more widely**
- 19 **available; and**
- 20 **(i) Promulgate any administrative regulations necessary to carry out the**
- 21 **provisions of this chapter.**
- 22 **(3) The executive director may, at the request of the Governor or any cabinet**
- 23 **secretary, serve as a designee on boards, commissions, task forces, or other**
- 24 **committees addressing issues relating to wellness and physical activity.**
- 25 **(4) The Finance and Administration Cabinet, the Governor's Office of Policy and**
- 26 **Management, the Education Cabinet, and the Personnel Cabinet shall take all**
- 27 **steps necessary to effectuate the provisions of this section.**

1 Section 5. KRS 194A.030 is amended to read as follows:

2 The cabinet consists of the following major organizational units, which are hereby
3 created:

4 (1) Office of the Secretary. Within the Office of the Secretary, there shall be an Office
5 of Legislative and Public Affairs, an Office of Legal Services, and an Office of
6 Inspector General, and the Governor's Office of Wellness and Physical Activity.

7 (a) The Office of Legislative and Public Affairs shall be responsible for the
8 development and implementation of the major legislative and policy
9 initiatives of the cabinet, and shall include oversight of administrative
10 hearings, legislative affairs, and communications with internal and external
11 audiences of the cabinet. The Office of Legislative and Public Affairs shall be
12 headed by an executive director who shall be appointed by the secretary with
13 the approval of the Governor under KRS 12.050.

14 (b) The Office of Legal Services shall provide legal advice and assistance to all
15 units of the cabinet in any legal action in which it may be involved. The Office
16 of Legal Services shall employ all attorneys of the cabinet who serve the
17 cabinet in the capacity of attorney, giving legal advice and opinions
18 concerning the operation of all programs in the cabinet. The Office of Legal
19 Services shall be headed by a general counsel who shall be appointed by the
20 secretary with the approval of the Governor under KRS 12.050 and 12.210.
21 The general counsel shall be the chief legal advisor to the secretary and shall
22 be directly responsible to the secretary. The Attorney General, on the request
23 of the secretary, may designate the general counsel as an assistant attorney
24 general under the provisions of KRS 15.105.

25 (c) The Office of Inspector General shall be responsible for:

26 1. The conduct of audits and investigations for detecting the perpetration of
27 fraud or abuse of any program by any client, or by any vendor of

1 services with whom the cabinet has contracted; and the conduct of
 2 special investigations requested by the secretary, commissioners, or
 3 office heads of the cabinet into matters related to the cabinet or its
 4 programs;

- 5 2. Licensing and regulatory functions as the secretary may delegate;
- 6 3. Review of health facilities participating in transplant programs, as
 7 determined by the secretary, for the purpose of determining any
 8 violations of KRS 311.165 to 311.235, 311.241, 311.243, 311.245, and
 9 311.247; and
- 10 4. The notification and forwarding of any information relevant to possible
 11 criminal violations to the appropriate prosecuting authority.

12 The Office of Inspector General shall be headed by an inspector general who shall
 13 be appointed by the secretary with the approval of the Governor. The inspector
 14 general shall be directly responsible to the secretary;

15 *(d) The Governor's Office of Wellness and Physical Activity shall be*
 16 *responsible for establishing and implementing a health, wellness, and*
 17 *fitness program for Kentucky and to promote a healthy lifestyle for all*
 18 *citizens of the Commonwealth as defined in Section 4 of this Act.*

- 19 (2) Department for Medicaid Services. The Department for Medicaid Services shall
 20 serve as the single state agency in the Commonwealth to administer Title XIX of the
 21 Federal Social Security Act. The Department for Medicaid Services shall be headed
 22 by a commissioner for Medicaid services, who shall be appointed by the secretary
 23 with the approval of the Governor under with KRS 12.050. The commissioner for
 24 Medicaid services shall be a person who by experience and training in
 25 administration and management is qualified to perform the duties of this office. The
 26 commissioner for Medicaid services shall exercise authority over the Department
 27 for Medicaid Services under the direction of the secretary and shall only fulfill those

1 responsibilities as delegated by the secretary;

2 (3) Department for Public Health. The Department for Public Health shall develop and
3 operate all programs of the cabinet that provide health services and all programs for
4 assessing the health status of the population for the promotion of health and the
5 prevention of disease, injury, disability, and premature death. The Department for
6 Public Health shall be headed by a commissioner for public health who shall be
7 appointed by the secretary with the approval of the Governor under KRS 12.050.
8 The commissioner for public health shall be a duly licensed physician who by
9 experience and training in administration and management is qualified to perform
10 the duties of this office. The commissioner shall advise the head of each major
11 organizational unit enumerated in this section on policies, plans, and programs
12 relating to all matters of public health, including any actions necessary to safeguard
13 the health of the citizens of the Commonwealth. The commissioner shall serve as
14 chief medical officer of the Commonwealth. The commissioner for public health
15 shall exercise authority over the Department for Public Health under the direction of
16 the secretary and shall only fulfill those responsibilities as delegated by the
17 secretary;

18 (4) Department for Mental Health and Mental Retardation Services. The Department
19 for Mental Health and Mental Retardation Services shall develop and administer
20 programs for the prevention of mental illness, mental retardation, brain injury,
21 developmental disabilities, and substance abuse disorders and shall develop and
22 administer an array of services and support for the treatment, habilitation, and
23 rehabilitation of persons who have a mental illness or emotional disability, or who
24 have mental retardation, brain injury, developmental disability, or a substance abuse
25 disorder. The Department for Mental Health and Mental Retardation Services shall
26 be headed by a commissioner for mental health and mental retardation who shall be
27 appointed by the secretary with the approval of the Governor under KRS 12.050.

1 The commissioner for mental health and mental retardation shall be by training and
2 experience in administration and management qualified to perform the duties of the
3 office. The commissioner for mental health and mental retardation shall exercise
4 authority over the department under the direction of the secretary and shall only
5 fulfill those responsibilities as delegated by the secretary;

6 (5) Commission for Children with Special Health Care Needs. The duties,
7 responsibilities, and authority set out in KRS 200.460 to 200.490 shall be performed
8 by the commission. The commission shall advocate the rights of children with
9 disabilities and, to the extent that funds are available, shall provide the services and
10 facilities for children with disabilities as are deemed appropriate by the commission.
11 The commission shall be composed of seven (7) members appointed by the
12 Governor to serve a term of office of four (4) years. The commission may
13 promulgate administrative regulations under KRS Chapter 13A as may be necessary
14 to implement and administer its responsibilities. The duties, responsibilities, and
15 authority of the Commission for Children with Special Health Care Needs shall be
16 performed through the office of the executive director of the commission. The
17 executive director shall be appointed by the Governor under KRS 12.040, and the
18 commission may at any time recommend the removal of the executive director upon
19 filing with the Governor a full written statement of its reasons for removal. The
20 executive director shall report directly to the Commission for Children with Special
21 Health Care Needs and serve as the commission's secretary;

22 (6) Office of Certificate of Need. The duties, responsibilities, and authority pertaining
23 to the certificate of need functions and the licensure appeal functions, as set out in
24 KRS Chapter 216B, shall be performed by this office;

25 (7) Department for Human Support Services. The Department for Human Support
26 Services shall streamline the various responsibilities associated with the human
27 services programs for which the cabinet is responsible. This shall include, but not

1 be limited to, oversight of the Division of Aging Services, the Division of Child
2 Abuse and Domestic Violence Services, the Division of Women's Physical and
3 Mental Health, the Division of Family Resource and Youth Services Centers, and
4 the Kentucky Commission on Community Volunteerism and Services. The
5 Department for Human Support Services shall be headed by a commissioner for
6 human support services who shall be appointed by the secretary with the approval
7 of the Governor under KRS 12.050. The commissioner for human support services
8 shall be by training and experience in administration and management qualified to
9 perform the duties of the office. The commissioner for human support services shall
10 exercise authority over the department under the direction of the secretary and shall
11 only fulfill those responsibilities as delegated by the secretary;

12 (8) Office of the Ombudsman. The Office of the Ombudsman shall provide
13 professional support in the evaluation of programs, including but not limited to
14 quality improvement and information analysis and reporting, including contract
15 monitoring, program monitoring, and the development of quality service delivery,
16 and a review and resolution of citizen complaints about programs or services of the
17 cabinet when those complaints are unable to be resolved through normal
18 administrative remedies. The Office of the Ombudsman shall place an emphasis on
19 research and best practice and program accountability and shall monitor federal
20 compliance. The Office of the Ombudsman shall be headed by an executive director
21 who shall be appointed by the secretary with the approval of the Governor under
22 KRS 12.050;

23 (9) Office of Technology. The Office of Technology shall develop and maintain
24 technology, technology infrastructure, and information management systems in
25 support of all units of the cabinet. The Office of Technology shall be headed by a
26 chief information officer who shall be appointed by the secretary with the approval
27 of the Governor under KRS 12.050. The chief information officer shall exercise

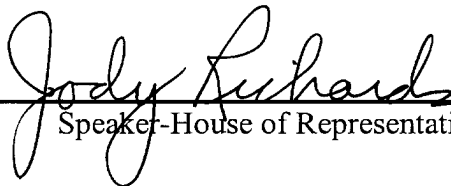
1 authority over the Office of Technology under the direction of the secretary and
2 shall only fulfill those responsibilities as delegated by the secretary;

3 (10) Office of Human Resource Management. The Office of Human Resource
4 Management shall coordinate, oversee, and execute all personnel, training, and
5 management functions of the cabinet. The office shall focus on the oversight,
6 development, and implementation of quality personnel services; curriculum
7 development and delivery of instruction to staff; the administration, management,
8 and oversight of training operations; health, safety, and compliance training; and
9 equal employment opportunity compliance functions. The office shall be headed by
10 an executive director appointed by the secretary with the approval of the Governor
11 in accordance with KRS 12.050;

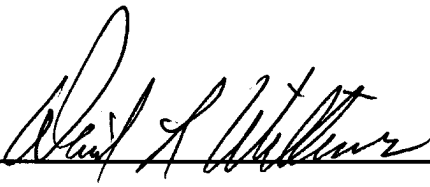
12 (11) Office of Fiscal Services. The Office of Fiscal Services shall coordinate, oversee,
13 and execute the accounting, treasury, and financial reporting functions of the
14 cabinet. The office shall be headed by a chief financial officer appointed by the
15 secretary with the approval of the Governor in accordance with KRS 12.050;

16 (12) Office of Contract Oversight. The Office of Contract Oversight shall coordinate,
17 oversee, and execute the contracting and procurement processes of the cabinet and
18 shall maintain these processes in compliance with all applicable laws, rules,
19 regulations, and procedures. The office shall ensure that the cabinet executes its
20 contracting and procurement processes within the highest ethical standards and with
21 the utmost integrity. The office shall oversee existing contracts to assure that the
22 cabinet receives those services for which it has contracted or receives funds in
23 payment for services that it has provided by contract, and shall have responsibility
24 for determining that the cabinet maximizes the value of dollars spent by the cabinet
25 for commodities and services. The office shall be headed by an executive director
26 appointed by the secretary with the approval of the Governor in accordance with
27 KRS 12.050;


- 1 (13) Department for Community Based Services. The Department for Community Based
2 Services shall administer and be responsible for child and adult protection, foster
3 care and adoption, permanency, and services to enhance family self-sufficiency,
4 including child care, social services, public assistance, and family and child support.
5 The department shall be headed by a commissioner appointed by the secretary with
6 the approval of the Governor in accordance with KRS 12.050; and
- 7 (14) Department for Disability Determination Services. The Department for Disability
8 Determination Services shall serve as the state unit as required by Title II and Title
9 XVI of the Social Security Act, and shall have responsibility for determining
10 eligibility for disability for those citizens of the Commonwealth who file
11 applications for disability with the Social Security Administration. The department
12 shall also make determinations for citizens of the Commonwealth who make
13 application for the Kentucky Transitional Assistance Program and determine
14 medical exemptions for participants in the Kentucky Works Program. The
15 department shall be headed by a commissioner appointed by the secretary with the
16 approval of the Governor in accordance with KRS 12.050.



Speaker-House of Representatives



President of the Senate

Attest: 

Chief Clerk of House of Representatives

Approved 

Governor

Date 